

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/600,780	06/20/2003	Curtis L. Alverson	8266-1082	5934	
75	90 03/21/2005		EXAMINER		
Intellectual Property Group			VANAMAN, FRANK BENNETT		
Bose McKinney & Evans LLP 2700 First Indiana Plaza			ART UNIT	PAPER NUMBER	
135 North Pennsylvania Street			3618		
Indianapolis, IN 46204			DATE MAILED: 03/21/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

				2.			
		Application No.	Applicant(s)				
V		10/600,780	ALVERSON ET AL.				
	Office Action Summary	Examiner	Art Unit				
		Frank Vanaman	3618				
Period fo	The MAILING DATE of this communication Reply	ion appears on the cover sheet w	ith the correspondence address	•			
THE - External after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICA nsions of time may be available under the provisions of 37 SIX (6) MONTHS from the mailing date of this communical period for reply specified above is less than thirty (30) day a period for reply is specified above, the maximum statutor re to reply within the set or extended period for reply will, the reply received by the Office later than three months after the patent term adjustment. See 37 CFR 1.704(b).	TION. CFR 1.136(a). In no event, however, may a ation. ys, a reply within the statutory minimum of thin y period will apply and will expire SIX (6) MOI by statute, cause the application to become A	reply be timely filed rly (30) days will be considered timely. NTHS from the mailing date of this communical BANDONED (35 U.S.C. § 133).	tion.			
Status							
1)	Responsive to communication(s) filed or	n					
		This action is non-final.					
3)□	,—						
Dispositi	on of Claims						
5)	Claim(s) <u>1-43</u> is/are pending in the appli 4a) Of the above claim(s) is/are w Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) <u>1-43</u> are subject to restriction a	rithdrawn from consideration.					
Applicati	on Papers		·				
9)[The specification is objected to by the Ex	caminer.					
10)	The drawing(s) filed on is/are: a)[☐ accepted or b) ☐ objected to	by the Examiner.				
	Applicant may not request that any objection	to the drawing(s) be held in abeya	nce. See 37 CFR 1.85(a).				
11)	Replacement drawing sheet(s) including the The oath or declaration is objected to by		•				
Priority ι	ınder 35 U.S.C. § 119						
a)[Acknowledgment is made of a claim for f All b) Some * c) None of: 1. Certified copies of the priority doc 2. Certified copies of the priority doc 3. Copies of the certified copies of the application from the International see the attached detailed Office action for	uments have been received. uments have been received in A le priority documents have been Bureau (PCT Rule 17.2(a)).	Application No received in this National Stage				
Attachment	• •	_					
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-9		Summary (PTO-413) s)/Mail Date				
3) 🔲 Inforr	nation Disclosure Statement(s) (PTO-1449 or PTO r No(s)/Mail Date	· · · · · · · · · · · · · · · · · · ·	nformal Patent Application (PTO-152)				

Application/Control Number: 10/600,780 Page 2

Art Unit: 3618

Election of Species

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I, illustrated in figures 1-9;

Species II, illustrated in figures 10-12;

Species III, illustrated in figure 13;

Species IV, illustrated in figure 14

Species V, illustrated in figure 15;

Species VI, illustrated in figure 16;

Species VII, illustrated in figure 17;

Species VIII, illustrated in figure 18;

Species IX, illustrated in figure 19.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.

- 2. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.
- 3. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).
- 4. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

Application/Control Number: 10/600,780 Page 3

Art Unit: 3618

the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

A response to this action should be mailed to:

Mail Stop _____ Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326

After Final Amendments: 703-872-9327

Customer Service Communications: 703-872-9325

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. VANAMAN
Primary Examiner
Art Unit 3618